

**Enrolled Minutes of the Sixtieth Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, May 12, 2014**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, May 12, 2014 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Dennis Adams, Konnie Kuiper and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed rescheduling the regular plenary business meeting of June 9 to June 2. It was noted that on June 9 members of the Clerk-Treasurer's staff and the Clerk-Treasurer would be attending the State Board of Accounts Fiscal Officers Conference and Indiana League of Municipal Clerks and Treasurers Conference.
3. The Town Council discussed with the Building Commissioner various code enforcement actions involving a fence installation and in one case a possible vicious dog.
4. The Town Council discussed acting to modify the existing Wage and Salary Ordinance to change the special Patrol Officer position, which is used to fix the base for police pensions and is 8.17% higher than the Patrol Officer First Class salary, by an additional 1.5%. The discussion noted that at adoption, full-time workers received a three percent across the board increase, but the special patrol officer position received only a 1.5% increase. The Clerk-Treasurer noted that the increase would require adoption of an ordinance. He further noted that any action at the current meeting could at most only instruct that an ordinance be prepared for action at the next plenary business meeting.
5. The Town Council discussed an inquiry from the Metropolitan Police Chief regarding whether the former Streets and Sanitation Division Supervisor, who was discharged for cause, could be allowed to participate in the Volunteers in Police Service Program (VIPS). It was noted that this matter was discussed shortly following the worker's discharge and that at that time it was determined that the discharged worker should not be permitted to participate in VIPS.

The study session ended at 7:05 O'clock p.m.

*Regular meeting.* The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 12, 2014 at 7:07 clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Dennis Adams reciting the Pledge of Allegiance to the Flag of the United States of America and Councilor Konnie Kuiper offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dennis Adams, Konnie Kuiper and Dan Vassar. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

*Also present:* Steve Mileusnich of the Advisory Board of Zoning Appeals; Ed Dabrowski IT Director (Contract); and Randy Bowman, Assistant Inspector for Electrical were also present.

**Minutes of the Previous Meetings:**

The minutes of the regular meeting of April 28, 2014 were approved by general consent.

**Special Orders:**

1. **Public Presentation.** Considering the matter of the proposed establishment of a *General Improvement District* to be associated with a project to improve the 3300 block of Condit Avenue to be known as the **Garfield Avenue Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (*Works Board Order No. 2014-11, was passed and adopted at the Town Council meeting of April 28, 2014, giving approval to the project and the General Improvement District subject to a public hearing which will be scheduled for a future meeting.*)

The Public Works Director made a presentation assisted by Microsoft PowerPoint®, describing the proposed scope of the reconstruction project, which would reconstruct the road serving the 3300 block of Condit Street between Grace Street and Cottage Grove. Curb and sidewalk replacement would be financed by assessments levied upon benefitting property based upon frontage.

The Public Works Director indicated that the cost of curbs would be at the unit price of \$14 per lineal foot. He projected that the range of the assessments for the curbs would be from approximately \$924 to \$1,386.

The Public Works Director indicated that the cost of sidewalks would be at the unit price of \$17.50 per lineal foot. He projected that the range of the assessments for the curbs would be from approximately \$1,155 to \$1,732.

The Public Works Director further projected that the range of total assessments for the properties affected would be from a low of \$2,079 to \$3,118.50)

While no formal hearing could take place, with leave from the Town Council, public questions were permitted

1. Dave Gearman, 3330 Condit, Highland, inquired about the timetable for the project and how residents may have their sidewalks replaced voluntarily.
2. Ed Sweeney, 3317 Condit, Highland, inquired about sewer tie-ins noting he had no sump pump. Mr. Sweeny further inquired about parking and access during the course of the construction.
3. Scott Templeton, 3316 Condit, inquired about the current topography in relation to his current sidewalks.

4. Rosemary Fletcher, 3348 Condit, Highland inquired about how the assessment would be measured on a corner lot.
5. Sharon Warnecke, 3304 Condit, Highland, inquired if she would be required to pay for her current property and the portion necessary to bring continuity with Cottage Grove.
6. Gerard Balon, 3310 Condit, Highland, inquired if the residents would have choices of replacement trees.

There were no further questions. It was noted that the formal hearing on the establishment of the General Improvement District as well as the proposed Assessments would be conducted at the same meeting.

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2014 Budget for the Unsafe Building Fund.

- (a) Attorney verification of Proofs of Publication: The TIMES 28 April 2014. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. The following comment was received:
  1. Thomas Black, 3315 Garfield, Highland, inquired whether the proposed additional appropriation was to support the payment for the demolition or if it was in addition to the cost he understood to be associated with the demolition project.

The hearing was closed, as there were no further comments.

- (c) Action on **Appropriation Enactment No. 2014-18:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Unsafe Building Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2014-18 and moved its consideration at the same meeting of its introduction. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak the passage and adoption of Enactment No. 2014-18 at the same meeting of its introduction. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment passed and adopted at the same meeting of its introduction.

Town of Highland  
Appropriation Enactment  
Enactment No. 2014-18

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the UNSAFE BUILDING FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Unsafe Building Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Unsafe Building Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

<b>UNSAFE BUILDING FUND</b>	
<i>Increase</i>	
Acct. No. 310.05 Demolition Costs:	\$ 42,300.00
<i>Total Series:</i>	\$ 42,300.00
<b>Fund Total:</b>	<b>\$ 42,300.00</b>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12<sup>th</sup> Day of May 2014. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 12<sup>th</sup> Day of May 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Dan Vassar, President (IC 36-5-2-10)**

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO**  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**3. Public Hearing:** Proposed Additional Appropriations in Excess of the 2014 Budget for the Redevelopment Capital Fund in the amount of **\$2,000,000, funded from the proceeds of the Redevelopment Bonds of 2014.**

(a) Attorney verification of Proofs of Publication: The TIMES 1 May 2014. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.

(b) **Public Hearing.** The Town Council President called the public hearing to order. The following comment was received:

1. Thomas Black, 3315 Garfield, Highland, inquired about what properties were proposed to be acquired by the bond proceeds, particularly querying whether the municipal public works facility and the Sharp Athletic Complex were included. The Redevelopment Director indicated that the acquisition list could be provided.

The hearing was closed, as there were no further comments.

(c) Action on **Appropriation Enactment No. 2014-19:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Redevelopment Capital Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2014-19 and moved it consideration at the same meeting of its introduction. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak the passage and adoption of Enactment No. 2014-19 at the same meeting of its introduction. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment passed and adopted at the same meeting of its introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2014-19**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the REDEVELOPMENT CAPITAL FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Redevelopment Capital Fund;**

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Redevelopment Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**REDEVELOPMENT CAPITAL FUND**

Acct. No. 3XX.XX Bond Legal Services	\$ 24,500.00
Acct. No. 3XX.XX Other Legal Services (Acquisition)	\$ 28,000.00
Acct. No. 3XX.XX Bond Financial Advisory Services	\$ 13,250.00
Acct. No. 3XX.XX Property Appraisal Services	\$ 13,000.00
Acct. No. 3XX.XX Demolition Services	<u>\$210,000.00</u>
<i>Total 300 Series:</i>	\$288,750.00
Acct. No. 4XX.XX Land Purchase	\$ 1,690,000.00
Acct. No. 4XX.XX Land Compliance & Control	<u>\$ 21,250.00</u>
<i>Total 400 Series:</i>	\$ 1,711,250.00
<b>Fund Total:</b>	<b>\$ 2,000,000.00</b>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12<sup>th</sup> Day of May 2014. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 12<sup>th</sup> Day of May 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Dan Vassar, President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

- 4. Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for properties located at 3315 Ridge Road, **Highland**, to allow use of the property to support the construction and establishment of the proposed Police Facility, which is currently zoned as R-1 Single Family Residential District. Petitioner: **Town of Highland**,

**Metropolitan Police Department, by Garcia Consulting Engineers.** The Advisory Board of Zoning Appeals by a vote of four (4) in favor and zero (0) opposed acted to **favorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of 23 April 2014. The findings of fact were memorialized and the board is expected to approve the facts in written form at its meeting of 28 May 2014. (90 days ends 22 July 2014).

*Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and GRANT the requested use variance or it may reject (over rule) the favorable recommendation and DENY the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.*

Councilor Zemen moved to accept the favorable recommendation and grant the requested use variance. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The variance was granted.

**Staff Reports:**

The Clerk-Treasurer read the following reports into the record.

- Building & Inspection Report for April 2014 will be submitted in a future meeting.
- **Building & Inspection Report for March 2014**

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	1	0	1	\$10,000,000.00	\$111,302.00
Commercial Additions or Remodeling:	4	0	4	\$37,011.00	\$509.00
Signs:	1	0	1	\$23,008.00	\$507.50
Single Family:	1	1	0	\$420,000.00	\$4,852.00
Duplex/ Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	52	52	0	\$317,210.00	\$4,852.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	1	1	0	\$1,180.00	\$84.00
Fences	3	3	0	\$14,142.00	\$532.50
Swimming Pools	0	0	0	0	\$0.00
DrainTile/ Waterproofing	1	1	0	\$3,599.00	\$106.00
Misc.	0	0	0	\$0.00	\$0.00
<b>TOTAL:</b>	<b>64</b>	<b>58</b>	<b>6</b>	<b>\$10,816,150.00</b>	<b>\$123,346.00</b>
<b>Electrical Permits</b>	26	24	2		\$1,572.50
<b>Mechanical Permits</b>	15	11	4		\$1,378.50
<b>Plumbing Permits</b>	9	8	1		\$1,329.25
<b>Water Meters</b>	3	3	0		\$815.00
<b>Water Taps</b>	3	3	0		\$600.00
<b>Sewer/Storm Taps</b>	4	4	0		\$1,200.00
<b>TOTAL Plumbing:</b>	<b>19</b>	<b>18</b>	<b>1</b>		<b>\$3,944.25</b>

**March Code Enforcement:**

Investigations: 138  
 Citations: 13

**March Inspections:**

Building: 23      Electrical: 34      Plumbing: 8      HVAC: 1  
 Electrical Exam: 1

• **Fire Department Report for March 2014**

	Month	1st half of year
General Alarms	6	31
Still Alarms	7	12
Paid still alarms	5	27
<b>Total:</b>	18	

• **Fire Department Report for April 2014**

	Month	1st half of year
General Alarms	4	35
Still Alarms	3	15
Paid still alarms	7	34
<b>Total:</b>	14	

• **Workplace Safety Report for April 2014**

There were no incidents. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2014	Total in 2013	Restricted Days 2014	Lost Workdays This Year (2014)	Restricted Days Last Year (2013)	Lost Workdays Last Year (2013)
Parks	0	0	2	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	2	8	0	1	0	0
Street	0	0	4	0	0	43	0
Water & Sewer	0	3	3	63	12	10 6	0
Maint.	0	2	0	0	0	0	0
Other	0	1	4	0	0	0	0
<b>TOTALS</b>	0	8	22	63	13	149	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

- Resolution No. 2014-20:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Motor Vehicle Highway Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2014-20. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

RESOLUTION NO. 2014-20

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MOTOR VEHICLE HIGHWAY FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Motor Vehicle Highway Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Motor Vehicle Highway Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MOTOR VEHICLE HIGHWAY (MVH) FUND

Reduce Account:		
#390.09 Construction/Reconstruction Streets:		<u>\$ 100,000.00</u>
	<i>Total 300 Series Decreases</i>	<u>\$ 100,000.00</u>
Increase Accounts:		
#111.31 Labor Wages		<u>\$ 85,000.00</u>
	<i>Total 100 Series Increases</i>	<u>\$ 85,000.00</u>
#210.01 Gasoline and Oil		\$ 10,000.00
#230.07 Miscellaneous Supplies		<u>\$ 5,000.00</u>
	<i>Total 200 Series Increases</i>	<u>\$ 15,000.00</u>
<b>Total of All Fund Decreases:</b>		<b>\$100,000.00</b>
<b>Total of All Fund Increases:</b>		<b>\$100,000.00</b>

DULY RESOLVED and ADOPTED this 12<sup>th</sup> Day of May 2014 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2014-21:** A Resolution Approving an Interlocal Cooperation Agreement for the Consolidation of Public Safety Answering Points (PSAPS) Pursuant to IC 36-8-16.7-47 in Lake County Indiana.

Councilor Adams moved the passage and adoption of Resolution No. 2014-21. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
TOWN COUNCIL RESOLUTION No. 2014-21

A Resolution Approving an Interlocal Cooperation Agreement for the Consolidation of Public Safety Answering Points (PSAPS) Pursuant to IC 36-8-16.7-47 in Lake County Indiana

WHEREAS, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually utilize services for the mutual benefit of each other; and

**WHEREAS**, The Incorporated Town of Highland, the several cities and Towns and Lake County Government desire to enter into a joint agreement pursuant to IC 36-1-7-1, *et seq.*, to provide for the ability to bring Lake County into compliance with IC 36-8-16.7 *et sequitur*, reducing the number of public safety answering points to no more than two, as well as other related services for the mutual benefit of the participating entities, and at a shared cost;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Highland, Lake County as follows:

**Section 1.** That a joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland the several cities and Towns and Lake County Government entered into by the Town of Highland by and through its Town Council, this 9<sup>th</sup> Day of December 2013 is hereby authorized and approved in each and every respect.

**Section 2.** That the purpose of this Interlocal Agreement ("Agreement") is as follows:

(A) To bring Lake County into compliance with IC 36-8-16.7-47(e) requiring that each Public Safety Answering Point ("PSAP") operator in Lake County enter into an Interlocal Agreement under IC 36-1-7 with every other PSAP operator in Lake County to ensure that Lake County does not contain more than two (2) PSAPs after December 31, 2014 as required by IC 36-8-16.7-47(c); and,

(B) To create a consolidated PSAP for the purposes of receiving E-911 calls, receiving other requests for public safety services and dispatching emergency services for all police and fire agencies, as well as emergency medical services in Lake County.

**Section 3.** That the President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures and any additional documents in order to implement the agreement.

**Section 4.** That this agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 12<sup>th</sup> day of May 2014. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Agreement on File**

3. **Works Board Order No. 2014-13: A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the 3300 Block of Condit Street Reconstruction Project**

Councilor Zemen moved the passage and adoption of Works Board Order No. 2014-13. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

**TOWN OF HIGHLAND  
ORDER OF THE WORK BOARD NO. 2014-13**

**A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT  
FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3300  
BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT**

**WHEREAS**, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

**WHEREAS**, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

**WHEREAS**, Pursuant to Order of the Works No. 2014-11, the Town Council confirmed Order No. 2014-12 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 3300 block of Condit Street (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and

**WHEREAS**, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as Exhibit A (each, an "Assessment Roll"), has been prepared and filed with this Town Council.

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Town Council hereby adopts and approves the Assessment Roll for the Improvements to the 3300 block of Condit Street;

**Section 2.** That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at **7:00 p.m. on June 2, 2014**, and the Town Council further directs the Clerk-Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the Improvements.

**Be it So Ordered.**

**Duly adopted** and Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana, this 12<sup>th</sup> day of May 2014 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF  
HIGHLAND, INDIANA**

Dan Vassar, President

*Attest:*

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

4. **Works Board Order No. 2014-14:** A Joint Resolution of the Board of Works and the Water Works Board of Directors Awarding a Bid to deBoer Egolf Corporation for the Sycamore Avenue Street Improvement and Water Main Replacement and Extension Project in the amount of \$927,219.50 as the Lowest Responsive and Responsible Bid

Councilor Herak moved the passage and adoption of Works Board Order No. 2014-14. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2014-14**

**WATERWORKS DISTRICT OF HIGHLAND  
BOARD OF WATERWORKS DIRECTORS  
RESOLUTION NO. 2014-14**

**A JOINT RESOLUTION OF THE BOARD OF WORKS AND THE WATER WORKS BOARD OF DIRECTORS AWARDED A BID TO DEBOER EGOLF CORPORATION FOR THE SYCAMORE AVENUE STREET IMPROVEMENT AND WATER MAIN REPLACEMENT AND EXTENSION PROJECT IN THE AMOUNT OF \$927,219.50 AS THE LOWEST RESPONSIVE AND RESPONSIBLE BID**

**Whereas**, the Town Council for the Town of Highland (Council) determined that a need exists to improve Sycamore Avenue between Grand Boulevard and River Drive, including the replacement of defective curb and sidewalk, pavement, and tree removal and replacement; and

**Whereas**, on April 8, 2013, the Council conducted a Public Hearing in order to seek input from persons on community development needs and, subsequently, adopted Resolution No. 2013-12, A Resolution

Authorizing and Directing the Town Council President to Submit a Project Proposal for Community Development Block Grant Funds for Federal Fiscal Year 2013; and

**Whereas**, on May 19, 2011, the Town Council President, on the advice of the Public Works Director, determined that the Sycamore Avenue neighborhood, bounded by Grand Boulevard to the south and River Drive to the north, met the project criteria of being a low to moderate income area (>50%) and submitted the Sycamore Drive Street Improvement Project as the Town's Community Development Block Grant Project for Federal Fiscal Year 2013; and

**Whereas**, the Waterworks District of Highland (District) is governed by its Board of Waterworks Directors, pursuant to the provisions of IC 8-1.5-4 et seq.; and

**Whereas**, IC 8-1.5-4-4 specifically provides that the Board of Directors shall manage and control all works of the waterworks and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

**Whereas**, The Water Works District of Highland (District), through its Board of Directors, has determine the need to replace the existing 6-inch water main in the 8000-8200 blocks of Sycamore Avenue (Grand Boulevard to River Drive) and to provide a connection from the Sycamore Avenue water main to the 10" water main on U.S. Route 41 in order to improve water flow and water quality and has determined that it would be in the best interest of the utility to coordinate the work with the Sycamore Avenue Street Improvement Project; and

**Whereas**, NIES Engineering, Inc. had prepared plans and specifications for the Project on behalf of the Board of Works and Water Works District; the Project was bid in accordance with IC 36-1-12 et seq.; and notice was published in accordance with IC 5-3-1; and

**Whereas**, the following bids were received at 10:00 p.m. on April 22, 2014:

H & G Underground Utilities, LLC	\$ 939,219.39
Rex Construction Co., Inc., Inc.	\$1,117,975.00
Hasse Construction Co., Inc.	\$ 936,200.00
deBoer Egolf Corporation	\$ 927,219.50
Reith Riley Construction Co., Inc.	\$1,018,007.35
Olthoff, Inc.	\$1,019,017.34
<b>Engineer's Estimate</b>	<b>\$850,866.50</b>

**Whereas**, NIES Engineering, Inc. has reviewed the bids and determined that the bid of **deBoer Egolf Corporation** in the amount of Nine Hundred Twenty-seven Thousand Two Hundred Nineteen Dollars and 50/100 (\$927,219.50) to be the lowest responsive and responsible bid.

**Whereas**, there are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Board of Works, now desires to accept the recommendation of the Public Works Director and award a construction contract to **deBoer Egolf Corporation** for the Sycamore Avenue Improvement Project, the CDBG Project for FY 2013, in the amount of \$259,241.80

**Whereas**, The Water Works District of Highland, through its Board of Directors, now desires to accept the recommendation of the Water Works Superintendent and Water Works Engineer and award the bid for Sycamore Avenue Water Main Replacement and Extension Project to **deBoer Egolf Corporation** in the amount of \$667,977.70.

**Now, Therefore Be it Resolved** by the Board of Directors of the Highland Waterworks, Lake County, Indiana and the Board of Works for the Town of Highland, as follows:

1. That the Bid of deBoer Egolf Corporation in the amount of Nine Hundred Twenty-seven Thousand Two Hundred Nineteen Dollars and 50/100 (\$927,219.50) for the Sycamore Avenue Street Improvement and Water Main Replacement and Extension Project is hereby accepted as the lowest responsive and responsible bid.
2. That the Town of Highland, through its Board of Works, acknowledges and approves its share of the work in the amount of Two Hundred Fifty-nine Thousand Two Hundred Forty-one Dollars and 80/100 Cents;
3. That the Waterworks District of Highland, through its Board of Directors, acknowledges and approves its share of the work for Water Main Replacement and Extension Project in the amount of Six Hundred Sixty-seven Thousand, Nine Hundred Seventy-seven Dollars and 70/100 Cents (\$667,977.90)
4. That the Water Works District Superintendent/Public Works Director is authorized to execute the agreement and all documents necessary to implement the Project.

**Be it So Ordered.**

**Duly adopted** and Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana, this 12<sup>th</sup> day of May 2014 by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF  
HIGHLAND, INDIANA

Dan Vassar, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

**Duly Adopted, Resolved and Ordered** by the Waterworks Board of Directors of Highland, Lake County, Indiana, this 22<sup>nd</sup> day of May, 2014. Having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

HIGHLAND WATERWORKS  
BY ITS BOARD OF DIRECTORS:

\_\_\_\_\_  
Keith Bruxvoort, President

Attest:

\_\_\_\_\_  
George Georgeff, Secretary

5. **Commendation Letter for Day Off and Signature Authorization.** Action to approve Letters of Commendation for exemplary public service leading to the award of a single paid day off for several workers in the metropolitan police department (agency). Pursuant to Section 4.13 of the Compensation and Benefits Ordinance, for the day off to be effective requires the approval of the board of jurisdiction and the Town Council. The Town Board of Metropolitan Police Commissioners has granted preliminary approval of letters of commendation to Deputy Commander John Banasiak, Sergeant Randall Stewart, Corporal Shawn Anderson, Corporal Erich Swisher, Officer Brandon Norris, and Officer Brian Stanley for their work in the field-training program instructing Officer Alex Perez. Action should include approval for the members of the Town Council to sign the letters of commendation.

Councilor Kuiper moved to approve the letters of commendation, leading to a paid day off for each of the recipients, and to authorize councilors to individually sign the letters. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The letters and the signatures by the councilors were approved.

6. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1531 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.
  - 6.1 *The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200 for work associated with Highland Grove Mall Special Security.*

Councilor Kuiper moved to authorize the overtime and pay for the exempt salaried supervisory employee. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime pay was approved.

7. Ratify the Executive Session for Monday, **May 12, 2014 at 7:45 p.m.**, pursuant to Section 2.05.130 (E) and IC 5-14-1.5-6.1. (*48 hours Notice has been provided. This needs ratification.*)

Councilor Kuiper moved to ratify and authorize the setting of the Executive Session for May 12, 2014 at 7:45 p.m. Councilor Adams seconded. Upon a roll call vote, there

were five affirmatives and no negatives. The motion passed. The Executive Session was authorized and ratified.

8. **Authorize the proper officer to publish a legal notice of a public hearing to consider proposed additional appropriations in the Cumulative Capital Development Fund in the amount of \$8,600.00 and in the Gaming Revenue Sharing Fund in the amount of \$390,112.**

Councilor Herak moved to authorize the publication of the legal notice as described. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication of legal notice of the public hearing was authorized.

#### NEW BUSINESS:

*Amend the Agenda.* The Town Council President determined that at least 2/3<sup>r</sup> of the councilors desired to amend the agenda to permit the consideration of rescheduling of the June 9 Standing Meeting. There was no objection.

1. *Rescheduling Meeting.* Councilor Zemen moved, seconded by Councilor Adams that the meeting of June 9 be rescheduled for June 2, 2014. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The June 9 meeting was rescheduled to June 2.

*Amend the Agenda.* Councilor Zemen moved that the Agenda be amended to permit consideration of a special instruction regarding amending the Wage and Salary Ordinance. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended.

2. *Increase Pension Base Retroactive to Effective Date of Wage and Salary Ordinance.* Councilor Zemen moved that an ordinance be prepared for the consideration of the Town Council at the June 2 meeting that would increase the Special Patrol Officer wage as the basis of the police pension by an additional 1.5% with the effective date of the increase to be retroactive to the effective date of the Wage and Salary Ordinance most recently adopted. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The instruction was approved.

#### Comments from the Town Council Members

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Park and Recreation Board • Liaison to the Town Board of Metropolitan Police Commissioners.*

Owing to the Executive Session scheduled to begin at 7:45 p.m., Councilor Zemen had no comments.

- **Councilor Mark Herak:** *Liaison to the Board of Waterworks Directors • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission.*

Owing to the Executive Session scheduled to begin at 7:45 p.m., Councilor Herak had no comments.

- **Councilor Dennis Adams:** *Liaison to the IT Consultant.*

Owing to the Executive Session scheduled to begin at 7:45 p.m., Councilor Adams had no comments.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Chamber of Commerce Co-Liaison.*

Owing to the Executive Session scheduled to begin at 7:45 p.m., Councilor Kuiper had no comments.

- **Council President Dan Vassar:** • *Municipal Executive* • *Chairman of the Board of Trustees of the Police Pension Fund (1925 Law)* • *Redevelopment Commission Liaison.*

Owing to the Executive Session scheduled to begin at 7:45 p.m., the Town Council President had no comments.

#### **Comments from Visitors or Residents:**

There were no comments from visitors or residents.

**Payment of Accounts Payable Vouchers.** There being no comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 29, 2014 through May 12, 2014. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as listed were allowed and the Clerk-Treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$254,356.81; Motor Vehicle Highway and Street (MVH) Fund, \$50,977.71; Law Enforcement Cont. Education and Supply Fund, \$412.50; Insurance Premium Fund, \$140,794.88; Information and Communications Technology Fund, \$7,800.54; General Improvement Fund, \$36.00; Traffic Violations Fund, \$4,524.00; Municipal Cumulative Street Fund, \$3,000.00. Total: \$461,902.44.**

**Adjournment.** Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Adams seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, May 12, 2014 was adjourned 7:57 O'clock p.m. An Executive Session had been previously advertised for 7:45 p.m. *The Town Council convened the Executive Session immediately following the end of the plenary meeting.*

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer